

Remarks

The claims have been written to set forth the ranges which were submitted in the Preliminary Amendment.

The limitation of "being free of persulfate salts" is found on page 9 which was inserted by the Preliminary Amendment. Also, the term "an inorganic phosphate buffer" is found in the Preliminary Amendment as well as being supported by specific examples.

It is respectfully submitted that the present disclosure sufficiently supports the claims as now presented. 35 USC 112 merely requires that the specification set forth the best mode contemplated for carrying out the invention. This one embodiment should not restrict the claims. An inventor need not guard against infringement by listing every possible infringing composition in the specification or claims. (See Adams v. United States, 141, USPQ 361 (Ct Cl 1964).

In the present case, the applicant has gone one step further by setting forth more than one example of the claimed invention.

As the Supreme Court said in Smith v. Snow, 294 US 1, 11, 24 USPQ 26, 30 (1935);

"We may take it that, as the statute requires, the specifications just detailed show a way of using the inventor's method and that he conceived that particular way described was the best one. But he is not confined to that particular mode of use since the claims of the patent, not its specifications, measure the invention. Paper

v. Lakeshore R. Co., 121 US 617, 630 and thus limit the patent to the form described in the specification, it is not necessary to embrace in the claims or describe in the specifications all possible forms in which the claimed principle may be reduced to practice.”

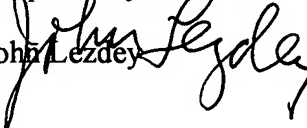
The specifications are not meant to be read in a vacuum but in view of that which is known in the art. Otherwise, the specification would primarily recite a catalog of ingredients.

With regard to the claim of priority, the Examiner has overlooked the Preliminary Amended which was filed together with the application. A copy of which is attached. The correction to application serial no. 09/608,046 has now been made.

It is respectfully submitted that all of the issues raised by the Examiner have now been met. If there are any outstanding issues, the Examiner is requested to telephone the undersigned.

Reconsideration and favorable action are earnestly solicited.

Respectfully submitted,

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